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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,256	03/31/2004	Olivier Michaelis	030282	7459
23696	7590	12/06/2007		
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	
			NOTIFICATION DATE	DELIVERY MODE
			12/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/815,256

Applicant(s)

MICHAELIS ET AL.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-29, 31, 32, 34, and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 16, 18, and 21-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al., USPN 6,243,468 in view of Ta et al., USPN 6,931,545.

With regard to claims 16 and 18, Pearce discloses a method of associating software with hardware (column 2 lines 35-43) including obtaining a software id (column 3 lines 5-6) and a hardware id (column 3 lines 6-7) and generating a signature for the software (checksum, column 2 lines 48-51), software id, and the hardware id using cryptography (hashing, column 3 lines 7-11) used to validate the software (column 7 lines 11-15). Pearce discloses using a check-sum of the software to authenticate it, but does not specifically disclose using a hash to create a checksum, or to authenticate the software itself. Ta discloses hashing software (creating a hash digest) to create a software ID to use in authenticating the software (column 9 lines 36-42). It would have been obvious for one of ordinary skill in the art to use the hash of Ta as the checksum in Pearce to increase security.

With regard to claim 21 and 22, Pearce discloses checking whether or not to allow software to hardware association based on the hardware (column 8 lines 50-65).

3. Claims 1-15, 19, 20, 23-29, 31, 32, 34, and 36, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce in view of Ta, in further view of Gralla, in How The Internet Works.

With regard to claims 1-5, 7-12, 14, 15, 19, 20, 23-29, 31, 32, 34, and 36, Pearce in view of Ta discloses associating software with hardware as disclosed above, and discloses sending a information to and from the registration authority over an insecure network (column 4 lines 21-26) but does not disclose that this network communication utilizes public keys and certificates. Gralla discloses that public key cryptography and digital certificates is often used to secure network communication (pages 303-307). It would have been obvious for one of ordinary skill in the art to secure Pearce's network communication with digital certificates and public key cryptography for Gralla's given motivation of protecting information and increasing security (page 303).

With regard to claim 6, Pearce discloses the product number includes a product code serialized number (column 48-51). The examiner further takes official notice that version numbers are often given to software. It would have been obvious for one of ordinary skill in the art to base a product code or serial number on a version number to better identify the product.

With regard to claim 13, Pearce discloses using a wireless network (column 4 lines 21-26).

With regard to claim 26, Pearce discloses checking a database (column 8 lines 56-58).

Response to Arguments

4. Applicant's arguments filed 4 October 2007 have been fully considered but they are not persuasive.

With regard to applicant's argument that combining the elements of Pearce, Ta, and Gralla would not be obvious, the examiner points to his previously stated motivation statements. The elements of Ta and Gralla are well known ways to increase security to the disclosure of Pearce.

With regard to applicant's argument that the signature of Pearce is not obtained from a certificate, the examiner points out that if Pearce received the signature over the internet using certificates as outlined in Gralla, as would be obvious to one of ordinary skill in the art, then it would be from the certificate.

With regard to applicant's argument that the software ID of Pearce does not identify the release of the product, but instead indicates the specific copy of that release, the examiner disagrees. Pearce discloses a serial number that is incremented with each copy of the release, as outlined by applicant. Therefore every number within the range of the first of a release to the last of a release identifies the same release, even though further information as to which exact copy of the release is also identified. The first identifier as claimed is the data that identifies the release.

With regard to applicant's argument that adding security to the anti-piracy system of Pearce might be hindsight, the examiner has considered the argument, but feels that it is obvious for one of ordinary skill in the art to have a secure anti-piracy system, since anti-piracy is a type of security method.

With regard to applicant's arguments that the examiner did not outline a controller, code generator, or communication unit with regard to claim 23, the examiner points out that he outlines generating a signature (generator), sending information (communication unit), and software (controller).

With regard to applicant's argument that the examiner did not point out a storage unit, a processor, or a secure storage unit, the examiner points out that these are all outlined in the references. Further a processor and storage unit are inherent necessary components of any computer, and any computer enforcing security would obviously have secure parts of storage.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL JL


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER